

# EMERGENCY MOTION

Case: 2:24-cv-01699-JLG-PBS Doc: 1 Filed: 02/26/24 Page: 1 of 8 PAGEID #: 1

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

## UNITED STATES DISTRICT COURT for the

Case: 1:24-cv-00559  
Assigned To : Unassigned  
Assign. Date : 2/26/2024  
Description: Pro se. Gen. Civ. (G-Deck)

Raphael R Calhoun

Petitioner

Judge Julie Lynch v. Cory D Helffrich

(Prosecutor)

Francisco Luttecke

Adam Federer

Frederick D Benton JR

(Detective)

Robert F Krapenc

Court Appointed

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. \_\_\_\_\_  
(Supplied by Clerk of Court)

### PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

#### Personal Information

1. (a) Your full name: Raphael R Calhoun  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Franklin County Correctional Center  
(b) Address: 2551 Fisher Rd. Columbus, OH 43204  
(c) Your identification number: 0019074
3. Are you currently being held on orders by:  
☐ Federal authorities ☐ State authorities ☒ Other - explain:  
County Jail Pretrial Detainee
4. Are you currently:  
☒ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☐ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

#### Decision or Action You Are Challenging

5. What are you challenging in this petition:  
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☒ Pretrial detention  
☐ Immigration detention  
☐ Detainer  
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)  
☐ Disciplinary proceedings  
☐ Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Franklin County Common Pleas Court  
Judge Julie Lynch Courtroom 7E, 345 S. High St 7th Floor Columbus, Ohio  
 (b) Docket number, case number, or opinion number: 21CR001474  
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Detective Adam Federer used False Instrument An Instrument that  
contains untrue information or an erroneous statement. 2. A  
Forged document coercion while under extreme Duress I did  
 (d) Date of the decision or action: Not Understand the issue of fact.

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☒ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_  
 (2) Date of filing: \_\_\_\_\_  
 (3) Docket number, case number, or opinion number: \_\_\_\_\_  
 (4) Result: \_\_\_\_\_  
 (5) Date of result: \_\_\_\_\_  
 (6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not appeal: In order To Appeal, There has to be  
Journal Entry for each waiver explained in open court, on Record, not even  
once Have I Been Advised By Three Attorneys in 26 months.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal:

Same Answer AS IN7B9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal:

Same Answer AS IN7B10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Date of filing: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

*Because in Franklin County Commons Pleas Courts They Have made it virtually impossible to Appeal Anything, By Limiting My Appearance in open Court. It has Become a Common Practice For the Judge, Prosecutor, And Court Appointed Attorneys to waive Defendants Rights To Speedy Trial without consent or Explanation which goes against Rules OF Practice of Court of Common Pleas Rule 79 - continuances, It says Defendant signature is to be obtained They are breaking There own Rules.*

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: \_\_\_\_\_

(b) Date of the removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☒ No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** Judge Julie Lynch in case Number 21CR-04-1474 failed to enforce The Franklin County Commons Pleas Court's Rules of Practice set into place to prevent unjust lengths of Pretrial Detention. Also Her lack of fairness and proper administration of laws.

(a) Supporting facts (Be brief. Do not cite cases or law.):

It states in their Rules of Practice that when a waiver of Speedy Trial Rights is Entered By A Continuance Form And The Defendant is being held in lieu of bond, each waiver should be explained, and Journalized in Open Court. I have been held since 04-01-2021 without even one hearing.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

**GROUND TWO:** PROSECUTOR CORY D HELFFRICH Failed to Identify The Party to whom the Continuances is chargeable To also a mis-performance and insufficiency of a proper court process. Also His lack of fairness and proper administration of laws.

(a) Supporting facts (Be brief. Do not cite cases or law.):

See attached Continuances

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

**GROUND THREE:** Attorney's Forged My Signature, I Assert that I Did Not Personally nor Give Permission To Frederick D. Benton Jr, Francisco Luttecke to waive my Fast & Speedy Trial Rights I Had Previously ask the Court to Honor. Unprofessional behaviors. Failure to follow through with fair responsibilities.

(a) Supporting facts (Be brief. Do not cite cases or law.):

See attached Continuances

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

**GROUND FOUR:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do: The Relief I am Requesting is For The Franklin County Common Pleas. Judge Julie Lynch, Prosecutor Cory D Helffrich, And my Court Appointed Attorney's Francisco Luthecke, Frederick D Benton JR, Robert F Keapenc To Be Held accountable for blatantly ignoring and disregarding my Constitutional Given Right To A Speedy Trial, For also disregarding my Constitutional given Right to sufficient counsel. I've been Incarcerated IN this County Jail for well over The 270 Days Time Limit, without Being Properly Advised By Attorney's, OR having an actual hearing in open court with Judge Julie Lynch, explaining the unjust and excessive Delay in my case. Unprofessional Behaviors, and Lack of Preparation as well as failure to follow through with Rules of Professional Responsibility. IF I am Accused of Breaking The Law The Judge, Prosecutor, Attornies, and Law Enforcement (Detectives) Should Be Held Accountable. So Where is The Checks and Balances To Ensure That They Don't Break The Law To Up Hold The Law. To Be Released immediately from Custody, For my case to Be dismissed with prejudice based on multiple violations of my Constitutional Rights, My Arrest Record Sealed, and Criminal Law State V. Benson Speedy Trial Do not toll time, Docket entry of continuances must state Reason therefor. Not affecting the litigant's substantive Rights.

Abuse of Power the misuse or improper exercise of one's authority; esp., the exercise of a statutorily or otherwise duly conferred authority in a way that is tortious, unlawful, or outside its proper scope.

Abuse of Process the improper and tortious use of a legitimately issued court process to obtain a result that is either unlawful or beyond the process's scope.

Substantial Justice - Justice fairly administered according to rules of substantive law regardless of any procedural errors, a fair trial on the merits.

**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 2-21-24

Raphael Calhoun

*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*